

# FIREFIGHTER AND LAW ENFORCEMENT OFFICER RETIREMENT TRAINING

The following training manual has been developed to provide a ready reference to policies, principles, and practices relating to the special retirement benefits for Firefighters and Law Enforcement Officers under the Federal Employees Retirement System (FERS). Information pertaining to the Civil Service Retirement System (CSRS) is also being provided as an appendix to this document for future reference. Furthermore, the primary focus of this training manual will be information pertaining to FERS.

The training manual was developed for the bureaus and offices in the Department of the Interior (DOI). However, the information is taken from federal regulations and guidelines. Much of the information is applicable to all agencies with employees under the special retirement program.

This manual was developed by the Firefighter and Law Enforcement Retirement Team (FLERT). FLERT was established in 1998 by DOI to provided review, make recommendation and to maintain records for FF/LEO positions and individual determinations of coverage for the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Office of Aircraft Services, Office of the Inspector General and DOI National Offices.

This book will be reviewed annually and updated as needed. If you have any questions or comments, please contact Michael Gillmore, Supervisory Program Analyst at (208) 334-1552.



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## Firefighter and Law Enforcement Retirement Team (FLERT) History

- \* The Office of Personnel Management (OPM) made 6(c) enhanced retirement determinations for FF/LEO claims prior to 1994.
- \* Authority to make determinations was delegated to the Department of the Interior (DOI), as well as other Federal agencies in 1994.
- \* The Department delegated the responsibility of making initial determinations to each bureau, with final approval coming from the Department.
- \* Due to inconsistency in the application of the rules and regulations, the Department recommended the creation of an inter-bureau work group to evaluate options and make recommendations of how to deal with program.
- \* The inter-bureau work group was created in 1996 to make a recommendation of how FF/LEO claims should be evaluated and by whom.
- \* The inter-bureau group recommended and received approval from the Department to implement a plan for a bureau-based team that would provide completed staff work and make 6(c) enhanced retirement determinations for all bureaus within the Department.
- \* Concurrence was obtained from BIA, BLM, BOR, FWS, OIG, NPS, OAS, and National Offices to implement a team and to provide bureau-based funding.
- \* Authority was delegated to the "Firefighter and Law Enforcement Retirement Team" to review claims and make recommendations to the Department in 1998.
- \* The backlog of pending claims has been reduced by FLERT to approximately 600 claims for all bureaus.

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## Federal Employees Retirement System (FERS) Key Dates

The following key dates are taken from regulations found in 5 C.F.R. § 842. These dates have special significance to employees in the Firefighter and Law Enforcement Retirement program.

<u>January 1, 1987 (FERS)</u> FERS definitions take effect. CSRS definitions of firefighter and law enforcement officer, as well as CSRS regulatory procedures, apply to all service prior to January 1, 1987.

<u>January 1, 1989 (FERS)</u> Temporary non-deduction (also known as temporary) service performed on or after this date is creditable only for counting towards the three years primary service needed before transferring to a secondary position but not creditable under FERS for any retirement purpose, including retirement eligibility and annuity computation.

October 1, 1994 (CSRS/FERS) Alternative Form of Annuity (AFA), previously available to employees subject to mandatory retirement, is permanently eliminated for all except terminally ill employees.





1 - Definitions

(Definitions taken from 5 C.F.R. § 842.802)

#### **Primary Duties**

- \* Are paramount in influence or weight; that is, constitute the basic reasons for the existence of the position;
- Occupy a substantial portion of the individual's working time over a typical work cycle; and
- Are assigned on a regular and recurring basis.

Duties that are of an emergency, incidental, or temporary nature **cannot** be considered "primary" even if they meet the substantial portion of time criterion.

In general, if an employee spends an average of at least 50 percent of the time performing a duty or group of duties, they are deemed to be the primary duties, without the need for further evidence or support.

#### Firefighter

An employee occupying a rigorous position, whose "primary" duties are to perform work directly connected with the control and extinguishment of fires.

Also included in this definition is an employee occupying a rigorous firefighter position who moves directly to a secondary position and meets the conditions for coverage. (See secondary positions in following sections.)

NOTE: Does not include an employee whose primary duties involve:

- maintaining law and order,
- protecting life and property,
- guarding against or inspecting for violations of law, or
- investigating persons other than persons who are suspected or convicted of offenses against the criminal laws of the United States.

#### Law Enforcement

- 1. An employee occupying a rigorous position, whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety.
- 2. An employee of the Department of the Interior, or the Department of the Treasury, (not

otherwise included in paragraph 1 above) who occupies a position that, but for the enactment of FERS, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury. (This includes certain officers in the U.S. Park Police and in the Uniformed Division of the Secret Service.)

3. An employee occupying a rigorous law enforcement officer position (as described above) who moves directly to a secondary position and meets the conditions for coverage.

#### **Detention Duties**

Duties which require frequent direct contact in the:

- detention,
- direction,
- supervision,
- inspection,
- training,
- employment,
- care,
- transportation, or
- rehabilitation of individuals suspected or convicted of offenses against:
- the criminal laws of the United States; or
- +
- \* the District of Columbia, or
- \* offenses against the punitive articles of the Uniform Code of Military Justice.

#### Frequent Direct Contact means:

- personal,
- immediate, and
- regularly assigned contact with detainees while performing detention duties, which is repeated and continual over a typical work cycle.

#### **Primary/Rigorous Position**

Duties of which are so rigorous that employment opportunities are limited to young (maximum entry age is described in a later paragraph) and physically vigorous individuals, whose "primary" duties are:

- to perform work directly connected with controlling and extinguishing fires; or
- investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States, or protecting the personal safety of United States Officials.

The condition in this definition that employment opportunities be limited (maximum entry age) does not apply with respect to an employee who moves directly (that is, without a break in service exceeding 3 days) from one rigorous fire (or law enforcement) position to another.

#### **Secondary Position**

Clearly in the firefighting or law enforcement field;

In an organization having a firefighting or law enforcement mission; and is either:

- (1) <u>Supervisory</u> primary duties are as a first-level supervisor of law enforcement officers or firefighters in **rigorous** positions; **or**
- (2) <u>Administrative</u> executive, managerial, technical, semi-professional, or professional position for which experience in a **rigorous** law enforcement or firefighting position, or equivalent experience outside the Federal government, is a **Mandatory Prerequisite**.

#### **First-Level Supervisors**

"First-level supervisors" are employees classified as supervisors who have direct and regular contact with the employees they supervise. First-level supervisors do not have subordinate supervisors. They are the first-line supervisors of primary/rigorous firefighters or law enforcement officers.

**Note**: A first-level supervisory position may be a primary/rigorous position if it meets the definitions and conditions previously described for primary firefighter or law enforcement officer coverage.

#### **Conditions For Secondary Coverage - The Transfer Requirement**

To be eligible for Secondary coverage, an employee while covered under the retirement provisions moves directly (without a break in service exceeding 3 days) from a rigorous position to a secondary position; and

- Has completed 3 years (accumulated 36 months) of service in a rigorous position, including any such service during which no FERS deductions were withheld; and
- Is continuously employed in a secondary position since moving from a rigorous position;
- Except for a break in employment in secondary positions that begins with an involuntary separation (not for cause) within the meaning of 5 U.S.C. § 8414(b) (1) (A).

#### **Crediting 3-Years Rigorous Service**

The 3-year requirement is met by an employee who transfers to a supervisory or administrative position "after performing duties" that met the conditions that would qualify a position as a rigorous position (5 U.S.C. § 8401(14) (B) and (17)(C)).

For purposes of the 3-year requirement, it does not matter whether the service is actually made creditable by payment of a deposit or whether the service cannot be made creditable.

Thus, non-deduction service -- for example, service under a temporary or intermittent appointment -- can count toward the 3-year requirement.

Even post-1988 non-deduction service (which can never be made creditable under FERS for annuity entitlement or computation purposes) can be used to meet the 3-year requirement.

\*\*\*\*

**Note 1**: Service performed **before** 1987, and not subject to retirement deductions, must be submitted for coverage determination under CSRS procedures.

**Note 2**: No credit <u>for retirement purposes</u> is granted for temporary service -- service for which no retirement deductions were made -- after January 1, 1989 (also includes service for which FERS retirement deductions were refunded).

(Based on Federal Register, Volume 57, Number 142, Thursday, July 23, 1992, and Chapter 46, CSRS and FERS Handbook.)

<u>In all cases</u>, to have the special benefit coverage while in a secondary position, the employee is still required to be serving in a rigorous position actually subject to FERS deductions at the time of transfer to a secondary position.

<u>Evidence of coverage</u>: An employee in a rigorous position is subject to the extra one-half percent retirement deductions.

An employee in a secondary position, who meets the coverage criteria, is subject to the extra one-half percent retirement deductions.

An employee in a position not subject to the one-half percent withholding <u>must formally</u>, <u>and in writing</u> seek a determination of coverage from the employing agency within six months after entering the position, or after any significant change in the title, series, grade, major duties, position number/classification.

#### **Individual Coverage vs. Position Coverage**

#### Position Coverage

Coverage begins with the classification date and continues as long as the position is occupied, unless a starting coverage date is specified in the position approval.

A change in the title, series, grade, major duties, and position number/classification **requires a new position approval.** 

#### Maximum Entry Age

Upon entering position, an individual must be under:

- age 37 for Firefighter and Law Enforcement Officer

Applies to <u>all</u> positions covered as primary/rigorous, including those positions <u>expected to be covered</u>. (Does **not** apply to secondary positions) (This is DOI policy.) The requirement should be reflected on the OF-8 in "Remarks". Standard recommended statement: "This position is for young and physically vigorous individuals and is subject to the maximum entry age restrictions."

**Note**: Maximum entry age requirements do not apply to an employee who moves directly (without a break in service exceeding 3 days) from one rigorous law enforcement position to another; or from one rigorous firefighter position to another. (5 CFR § 842.802)

#### Mandatory Retirement

- 1. <u>Firefighter</u> Age 57 (with 20 years covered service), or any time after age 57, upon reaching 20 years of covered service.
- 2. <u>Law Enforcement Officer</u> Age 57 (with 20 years covered service), or any time after age 57, upon reaching 20 years of covered service.

The Servicing Personnel Office (SPO) must advise the employee in writing of a 60-day notice period.

An employee with 20 years covered service can retire anytime within the notice period.

The FF/LEO Retirement Specialist will send a reminder to servicing personnel offices, when the eligibility status of an employee is known.

Servicing personnel offices are responsible for tracking employees	special retirement coverage.
See sample Individual Summary Worksheet form in Appendix employees' special retirement coverage.	for use in tracking an
omployees openial retirement severage.	

Sample notifications of mandatory retirement FERS are in Appendix \_\_\_\_\_\_.

In accordance with 5 U.S.C. § 8425, an individual over the age of 60 cannot remain in a special retirement position and is subject to mandatory separation past the age of 60. An employee may request a refund of the extra one-half percent contribution paid into the special retirement fund by submitting a request to the servicing personnel office.

Personnel offices must use Personnel Action, SF-50, Nature of Action Code 300, Retirement-Mandatory, Authority Code SWM; and Reason stated in the Remarks: "mandatory retirement due to age and service".

A mandatory separation is not an adverse action under 5 CFR Part 752 or a removal action under 5 CFR Part 359. A mandatory separation is not an appealable action.

#### **Details/Temporary Promotions**

<u>Primary</u> - An employee who is not in a **rigorous** position, nor covered while in a secondary position, and who is detailed or temporarily promoted to a **rigorous** position is not covered under the provisions of 5 U.S.C. § 8412(d).

<u>Secondary</u> - An employee who is not a **rigorous** position, nor covered while in a secondary position, and who is detailed or temporarily promoted to a secondary position is not covered under the provisions of 5 U.S.C. § 8412(d). (5 CFR § 842.803)

The position of record determines the coverage. Therefore, an employee who has been detailed or temporarily promoted from a covered position to a non-covered position continues to be covered.

Conversely, an employee detailed or temporarily promoted to a covered position is not covered by the early retirement provisions.

(Summary in Federal Register, Volume 52, No. 242, Thursday, December 17, 1987, page 47894.)

#### Firefighter or Law Enforcement Officer Contributions are:

#### **EMPLOYEE DEDUCTIONS AND AGENCY CONTRIBUTIONS**

Employee 1.3%\* Agency 18.1%\*

\*The rate was higher during the interim years of 1987 through 1991.

Any employee in an approved position is subject to the special deduction rate, even if the employee will not qualify for special benefits.



#### 2- Retirement And Benefits

(Chapter 46, CSRS and FERS Handbook)

#### **Eligibility For Voluntary FF/LEO Retirement**

Age 50; and 20 years covered and creditable service

Any age; and 25 years covered and creditable service

At time of application for retirement, the employee must be in a position subject to FERS coverage.

\*\*\*\*

**Note**: Not required to be in a covered firefighter or law enforcement officer position at time of retirement.

<u>Mandatory Retirement</u>: All firefighters and law enforcement officers are subject to mandatory separation based on age. However, mandatory separation does not apply to employees who are eligible for retirement under the special provisions, but who are not currently occupying a firefighter or law enforcement officer position.

The standard mandatory separation age (if the employee has 20 years covered service) for:

Firefighters - Age 57 Law Enforcement Officers - Age 57

(More information is provided in Chapter 2 of this training manual.)

#### **Computing Creditable Service for FF/LEO Retirement**

Look at employee's Individual Summary Worksheet worksheet, (sample form included):

- 1. List service by dates served in each position number (including any classification changes).
- 2. Verify special retirement coverage (and non-coverage) of each position occupied by employee:
  - Use the Bureau or Office listing of covered positions, and/or

- OPM/DOI letters of approval. Read approval letters <u>very carefully</u>. Some OPM and DOI approval letters have a coverage ending date.

- 3. Use retirement service credit instructions, CSRS & FERS Handbook for Personnel and Payroll Offices, Chapter 20:
  - Full credit for LWOP up to six months in a calendar year;
  - Intermittent, credit only days/hours worked (use conversion charts in CSRS & FERS Handbook)
  - Full credit for time on the Office of Workers' Compensation (OWCP) rolls, if employee returns to work

\*\*\*\*

**Note 1**: Forest Service has corrected some intermittent service to Nonpay, generally for service occurring between May 1984 and 1990.

**Note 2**: Under FERS, no credit is given for <u>any</u> retirement purpose (eligibility for benefits or computation of annuity) unless the employee makes retirement contributions for the service. Temporary service performed **after** December 31, 1988 (non-deduction service) is not creditable for retirement purposes. Temporary service performed **before** January 1, 1989, is creditable for retirement purposes **only** if a deposit is paid. (See the FLERT pamphlet "Information on Deposits and Redeposits", and CSRS and FERS Handbook, Chapter 21.)

**Note 3**: Work claimed by employee must meet definition of creditable service. Individuals who meet the "Federal function" and "supervision" tests are not Federal employees until formally appointed in the civil service. The appointing authority must have completed a Standard Form 50, Notification of Personnel Action, or other acceptable equivalent personnel action document used for appointing an individual into Federal employment. Work performed by Emergency Firefighters (EFF) does not meet the definition of "Federal employee". (CSRS and FERS Handbook, Chapter 20)

<u>Certification Of Individual Summary Worksheet</u>: The servicing personnel office must submit certification of meeting 20 years of coverage with Firefighter/Law Enforcement Officer retirement packages. This can be done using the Individual Summary Worksheet form.

#### **Components Of The Basic**

Basic annuity benefits for firefighters and law enforcement officers are based primarily on:

The amount of creditable service; and

The individual's high-3 average salary

#### **Basic Annuity Formula**

1.7% of the high-3 average salary multiplied by 20; plus

1% of the high-3 average salary multiplied by any additional creditable service.

\*\*\*\*

**Note 1**: A retiree annuity supplement is payable before age 62 in addition to the basic annuity.

**Note 2**: For the 1.7% factor, see Appendix \_\_\_\_\_\_, FERS 1.7 Percent Factor Chart.

**Note 3**: The 1.1% formula does not apply to individuals who, at the time of the separation on which retirement is based, are firefighters or law enforcement officers.

#### **EMPLOYEES WITH A CSRS ANNUITY COMPONENT**

Individuals who elect to transfer from CSRS coverage to FERS coverage after completing five (5) or more years of creditable civilian service as of the effective date of the transfer (excluding service covered by both CSRS and Social Security deductions) will have a CSRS annuity component.

The CSRS rules for creditability of service, calculation of length of service, average salary, reduction for unpaid CSRS deposit(s) and redeposit(s), and voluntary contributions annuity apply to the CSRS component of a FERS benefit.

\*\*\*\*

**Note 1**: In computing the FERS component, law enforcement or firefighter service performed before the transfer to FERS does not count toward the 20-year limit on the 1.7 percent part of the formula. For example, an individual who transfers to FERS after completing 13 years of law enforcement or firefighter service can still accrue up to 20 years under FERS at the 1.7 percent rate.

**Note 2**: In computing the CSRS component of a FERS benefit, only the years and months of law enforcement/firefighter service qualify for the 2.5 percent accrual. Any other CSRS component service (such as military and non-law enforcement officer/firefighter service) would be subject to the 2 percent accrual.

#### **Reductions In Annuity**

Election of (or court-ordered) survivor benefits for a current spouse and/or former

spouse.

Election of a survivor benefit to a person with an insurable interest.

Election of the alternative annuity (presently limited to certain categories, including mandatory retirement--not available after September 30, 1994).

\*\*\*\*

Note: The special benefits for firefighter and law enforcement officers are applicable only to employees who separate with entitlement to an immediate annuity under the special provisions. Consequently, MRA+10 and deferred retirement provisions only apply to special group employees who separate before meeting the age and service requirements for benefits under the special provisions.

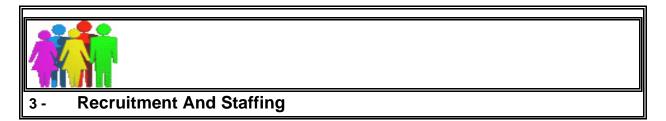
#### Worksheet

Sample Annuity Computations	
Employee A	
FERS retirement system Full time schedule Age 51	
Work history:	
-23 years 6 months covered firefighter service, (includes 3 years for which a refund of retirement contributions was received)	26 years 6 months (Note: the 3 years refunded are not creditable for eligibility
<ul><li>- 4 years military service*</li><li>- 2 years non-fire service**</li></ul>	nor annuity computation purposes)
Total service for annuity:	
-High three average salary \$28,000	1.7% x \$28,000 = \$476 x 20 - \$9, 520
Basic Annuity:	1% x \$28,000 - \$280 x 6.5 = \$1,820
	Quick Formula: *** \$28,000 x .405 = \$11,340

<sup>\*</sup> Assume the deposit for military service is paid

<sup>\*\*</sup> Under FERS retirement, however, not covered and no extra one-half percent contribution

<sup>\*\*\*</sup> For "Quick Formula" see Appendix 2



<u>Primary/Rigorous Positions</u> - Recruitment for primary positions **must** include requirement for "young and vigorous" workforce. The maximum entry age 37 must be applied to initial entry to all primary/rigorous positions, both firefighter and law enforcement officer.

Exception is allowed if past "covered" service is sufficient, that when subtracted from current age, the employee is under age 37, as appropriate.

Maximum entry age must be listed in recruitment for any primary position, including any recruitment announcement, and requests for eligibles such as an SF-39.

Standard statement for recruitment announcements is: "Applicants for this position must not have reached their 37<sup>th</sup> birthday upon appointment to this position. An exception is allowed if there is prior Federal service in a covered law enforcement officer or firefighter positions."

The maximum entry age requirement does not apply to an employee who moves directly from one rigorous law enforcement officer or firefighter position to another.

<u>Secondary Positions</u> - Recruitment **must** include the requirement for specialized experience equivalent to that received in a primary/rigorous position. (This includes any recruitment announcement, and requests for eligibles such as an SF-39).

Typical statement for recruitment announcements is: "Prior experience in (wildland firefighting; or investigation, apprehension, or detention of individuals suspected of violating criminal laws of the United States) is required in order to carry out the duties and responsibilities of this position."

#### Staffing - Placing Employee In Correct Retirement Code

<u>Primary/Rigorous Position</u>: All employees in approved primary positions, and subject to the retirement system, <u>must</u> pay the extra one-half percent retirement contributions. Employees must be placed in the appropriate retirement code for Firefighter and Law Enforcement Retirement. (See codes shown below.)

Secondary Position: All employees in approved s	econdary positions, and subject to the
retirement system, must pay the extra one-half pe	ercent retirement contributions, if they meet the
coverage requirements. Personnelists who hand	le such personnel actions must be very careful
to assure that employees are eligible for seconda	ry coverage. Generally, employees must be
continuously covered in secondary positions. A b	preak in coverage usually results in non-
coverage. (For more information see Chapter	).

Employees should check their SF-50's, Notification of Personnel Action, to assure that they are placed in the correct retirement code.

#### SF-50 Retirement Codes for Firefighters and Law Enforcement Officers:

2 = FICA only

**E** = CSRS-Spec & FICA (Offset)

**K** = FERS & FICA

**M** = FERS & FICA-Spec

<u>Refunds</u> - An employee is entitled to a refund of the extra one-half percent retirement deduction, when the withholding was in **error**. This is when an employee is having the extra one-half percent deductions and:

- is not serving in a covered position, or
- is not eligible for coverage in a secondary position, and
- the retirement monies have not been refunded.

The employee can elect to leave the money in the fund. Any excess deductions not refunded will remain in the retirement account. However, the excess deposits will not accrue interest, since only voluntary excess payments accrue interest, and excess deductions are not considered voluntary payments.

A refund due to erroneous deductions is not considered a claim against the government subject to the four-year statute of limitations set forth in 31 U.S.C. § 3702(a).

The current servicing personnel office must correct the appropriate personnel actions. Corrections are made in accordance with personnel processing instructions.

Copies of the corrections, <u>for erroneous special retirement deductions</u>, must be sent to PAYPERS, Benefits Branch, Pat Adams. <u>Do not send them to your payroll contact</u>. They don't know the process and may issue a refund without verifying the employee's intentions. More information is scheduled to be published in the revised Client Interface Manual.

The servicing personnel office must issue a notification to the employee shown in Appendix

The employee must make a written request to get a refund of the excess retirement monies.

#### **Tracking Employee Coverage**

<u>General</u> For employees in covered positions; <u>or</u> claiming coverage:

- Maintain a Individual Summary Worksheet form, we recommend it be is kept in employee's OPF on a CD disk and updated as new actions are processed. This will then be used to track and follow the employee through his/her career.
- Confirm retirement system under which Position coverage is approved. (FERS or a combination of both CSRS/FERS)

<u>Position Coverage Approved</u>: Employee must have extra one-half percent retirement deductions. The length of service in primary coverage should be tracked on Work History Summary.

- <u>Primary coverage</u>: Employees should be under age 37, if they have a new appointment to primary position. FERS employees must have 3 accumulated years of primary coverage before they are eligible for secondary coverage.

- <u>Secondary coverage</u>: Employee is subject to extra one-half percent retirement deductions if requirements are met. To be eligible to continue coverage, employee must have a transfer from a primary position to a secondary position without a break in service. Employees under FERS have additional requirements that must be met to be eligible for secondary coverage. (See Chapter \_\_\_\_\_ for more information.)

<u>Position Coverage Recommended</u>: Normally a position should have a coverage determination before placing the employee in the position. If the position is significantly similar to a previously approved standard position description, the personnelist may place the employee in the position. The SF-50 should show when position description was submitted for coverage and that the recommendation was primary. Under these circumstances, the extra one-half percent retirement deductions should be continued.

**No Position Coverage**: Employee should be advised, and for FERS must submit a written request for coverage within six months of appointment. It is extremely important the employee be encouraged to understand the significance of filing a claim timely. Also, the employee should be advised that the burden of proof rests with them.



### 4 - Classification And Special Retirement Coverage

#### **Position Descriptions**

**<u>First</u>** - Use a standard position description, if available.

If a new position must be written and classified, percentages **must** be shown next to "Major Duties" in each position description.

Those duties used to determine special retirement coverage must meet the definition of "Primary Duties". In general, if any employee spends an average of at least 50 percent of the time performing a duty or group of duties, they are the primary duties.

The OF-8, Position Description cover sheet, should show in "Remarks" the appointment limitations for primary positions. Standard remark recommended for use: "This position is for young and physically vigorous individuals and is subject to the maximum entry age restrictions." If the remark is not on the OF-8, a statement should be attached to the position description.

For Secondary positions, the "Knowledge's" section of the position description must include the statement that experience in a rigorous law enforcement or firefighting position is a mandatory prerequisite, and how/why that experience is necessary for that position.

An organization chart and functional statement should establish that the position is:

- clearly in the firefighting or law enforcement field; and
- in an organization having a firefighting or law enforcement mission

#### Classification Review Of Secondary Positions

**Secondary/Supervisory**: the primary duties are as a first level supervisor of primary or primary/rigorous positions.

**Note 1**: A lead man, or foreman who has a limited degree of actual supervisory or management authority, is not a "true supervisor".

**Note 2**: Secondary/supervisory is interpreted to apply to those positions which have clearly moved away from direct fire involvement and into management. The senior person who is in charge at a fire scene (not in the camp, but on the fire) is certainly "directly connected" with fighting the fire and meets the definition for primary coverage as a firefighter. This concept also applies to law enforcement officer positions.

**Note 3**: Secondary/supervisory coverage stops if primary duties are no longer supervisory, and the position loses its special retirement coverage unless it is resubmitted for approval.

<u>Secondary/Administrative</u>: in an executive, managerial, technical, semiprofessional or professional position in which experience in a rigorous law enforcement or firefighting position, or equivalent experience outside the Federal government, is a **mandatory prerequisite**.

-This requirement for prior experience <u>must</u> be expressed in the "knowledge's" of the position description; and must be substantiated by the duties of the position description.

#### <u>Classification - Submitting Position Descriptions For Special Retirement Coverage</u>

#### Classifier/Designee Prepares Checklist

Page 1, Checklist of determination of FF/LEO coverage:

Complete as appropriate, classifier or authorized official signs at bottom of page 2;

Page 2, Checklist of documentation submitted:

Complete as appropriate, no signature required

#### Contents of position package (See Appendices for a sample position package):

Checklist pages 1 and 2 (blank forms provided in Appendix \_\_\_\_\_)

#### **Position Description**

- \* OF-8 must be signed by classifier,
- percentages must show by major duties, or be documented on an attachment

#### <u>Classification evaluation statement</u> (optional)

<u>Functional Statement</u> of organization where position is located (may be a part of the introduction in the position description)

Organization Chart (can be handwritten, be in block format)

Copy of provisions of the Federal criminal law the incumbent is responsible for enforcing (if law enforcement retirement is claimed)

<u>Current performance standard (PIPR)</u>, for the position being submitted (optional)



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